REMARKS

In the final Office Action, the Examiner objects to claims 11 and 14 as dependent on a canceled claim, and rejects claims 1-7 and 9-15 under 35 U.S.C. § 102(e) as anticipated by MORAN et al. (U.S. Patent Application Publication No. 2003/0104827).

By the present amendment, Applicants propose canceling claim 15 without prejudice or disclaimer, amending claims 1, 5, 7, and 9-14 to improve form, and adding new claims 16 and 17. No new matter has been added. Claims 1-7, 9-14, 16, and 17 would be pending upon entry of the present amendment.

Claims 11 and 14 stand objected as dependent upon a canceled claim. Applicants propose amending claims 11 and 14 herein to depend from claims 9 and 12, respectively. Accordingly, Applicants respectfully request that the objection to claims 11 and 14 be reconsidered and withdrawn.

Claims 1-7 and 9-15 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by MORAN et al. Applicants propose canceling claim 15 herein thereby rendering the rejection of that claim moot. Applicants respectfully traverse this rejection with respect to the remaining claims, as currently amended.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. MORAN et al. does not disclose or suggest the combination of features recited in claims 1-7 and 9-14, as currently amended.

For example, amended independent claim 1 is directed to a method for providing SMS messages to a receiving party associated with a plurality of devices. The method includes

- 6 -

receiving a SMS message for a first device of the plurality of devices; identifying a second

device of the plurality of devices as a preferred device for receiving the SMS message based on

information stored by the receiving party; formatting the SMS message according to

characteristics of the preferred device; and sending the formatted message to the preferred

device. MORAN et al. does not disclose or suggest this combination of features.

For example, MORAN et al. does not disclose or suggest identifying a second device of a

plurality of devices as a preferred device for receiving a SMS message based on information

stored by a receiving party. In stark contrast, MORAN et al. specifically discloses that the

sending party identifies the destination device to which the SMS message is to be sent and that

the message is sent to that device (see, for example, paragraphs 0031 and 0039). MORAN et al.

is completely silent as to identifying a preferred device to which a SMS is to be sent based on

information stored by the receiving party, as required by amended claim 1. In fact, MORAN et

al. specifically discloses that the sending party specifies devices to which SMS messages are to

be sent by registering these devices and that it is not necessary for the receiving party to register

to receive messages (see, for example, Fig. 5 and paragraphs 0050 and 0047).

Since MORAN et al. does not disclose all of the features of claim 1, MORAN et al.

cannot anticipate claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by

MORAN et al.

Claims 2-7 depend from claim 1. Therefore, these claims are not anticipated by MORAN

et al. for at least the reasons given above with respect to claim 1. Moreover, these claims recite

additional features not disclosed or suggested by MORAN et al.

- 7 -

For example, amended claim 5 recites that the sending the formatted message comprises sending the formatted message as a voice message to a phone. MORAN et al. does not disclose or suggest this feature. Instead, MORAN et al. specifically discloses sending a SMS message as a SMS message, an e-mail message, or an instant message (see paragraph 0038). MORAN et al. is completely silent regarding sending a SMS message to a phone as a voice message, as required by claim 5.

Amended independent claim 9 is directed to an apparatus for providing SMS messages to a user associated with a plurality of devices. The apparatus includes a database for storing information identifying each device of the plurality of devices and identifying a first device of the plurality of devices as a preferred device; a gateway server for receiving a SMS message identifying a second device of the plurality of devices; a server function for identifying the preferred device in response to receiving the SMS message, the preferred device being different than the second device; and a SMS server for sending the SMS message to the preferred device. MORAN et al. does not disclose or suggest this combination of features.

For example, MORAN et al. does not disclose or suggest database for storing information identifying each device of the plurality of devices associated with a user and identifying a first device of the plurality of devices as a preferred device. MORAN et al. discloses that the sending party stores information identifying devices to which SMS messages are to be sent (see, for example, paragraph 0050). MORAN et al. does not disclose or suggest, however, that the sending party stores information identifying a first device of the plurality of devices associated with a user as a preferred device, as required by claim 9.

MORAN et al. does not further disclose or suggest a server function for identifying the

- 8 -

preferred device in response to receiving a SMS message identifying a second device, where the preferred device is different than the second device, as also required by claim 9. As set forth above, MORAN et al. is completely silent with respect to storing information identifying a preferred device of a plurality of devices associated with a user. Therefore, MORAN et al. cannot disclose or suggest a server function for identifying the preferred device in response to receiving a SMS message identifying a second device, where the preferred device is different than the second device, as required by claim 9.

Moreover, MORAN et al. discloses sending a SMS to a device specified by the sending party. MORAN et al. does not disclose or suggest a server function for identifying the preferred device in response to receiving a SMS message identifying a second device, <u>where the preferred device is different than the second device identified by the SMS message,</u> as required by claim 9.

For at least the foregoing reasons, Applicants submit that claim 9 is not anticipated by MORAN et al.

Claims 10 and 11 depend from claim 9. Therefore, these claims are not anticipated by MORAN et al. for at least the reasons given above with respect to claim 9.

Amended independent claim 12 recites features similar to (yet possibly of different scope than) features described above with respect to claim 9. Therefore, Applicants submit that claim 12 is not anticipated by MORAN et al. for at least reasons similar to reasons given above with respect to claim 9.

Claims 13 and 14 depend from claim 12. Therefore, these claims are not anticipated by MORAN et al. for at least the reasons given above with respect to claim 12.

New claims 16 and 17 recite features not disclosed or suggested by MORAN et al. For

- 9 -

example, independent claim 16 is directed to a method including receiving a SMS message including information identifying a first destination device; identifying a second destination device in response to receiving the SMS message, the second destination device being different than the first destination device; formatting the SMS message based on the second destination device; and sending the formatted SMS message to the second destination device. As set forth above, MORAN et al. specifically discloses that the sending party identifies the destination device to which the SMS message is to be sent and that the message is sent to that device (see, for example, paragraphs 0031 and 0039). MORAN et al. does not disclose or suggest identifying a second destination device in response to receiving a SMS message that includes information identifying a first destination device, where the second destination device being different than the first destination device, as required by claim 16.

For at least the foregoing reasons, Applicants submit that claim 16 is patentable over the art of record.

Claim 17 depends from claim 16. Therefore, claim 17 is patentable over the art of record for at least the reasons given above with respect to claim 16.
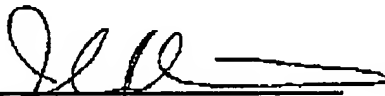
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of the application and the timely allowance of the present application. Applicants respectfully request that the present amendment be entered because the present amendment places the application is immediate condition for allowance and places the application in better condition for appeal.

- 10 -

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess

fees to such deposit account.

Respectfully submitted,

By: _____

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- 11 -